

REMARKS

Claims 1, 2, and 5-17 are currently pending in the present application. In this Response, Applicant has amended claims 1 and 14 to clarify features of one aspect of the present invention and added claim 18. In addition, Applicant has provided remarks that explain some of the differences between the present invention and the references cited by the Examiner. In light of these differences, Applicant submits that the present application is in condition for allowance.

THE REJECTIONS UNDER 35 U.S.C. § 102

At pages 4- of the Office Action, the Examiner rejected claims 1, 2, 6, 7, 11, 14, and 15 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,944,773 (“Abrahams”). For at least the reasons set forth below, Applicant submits that the Examiner’s rejections have been overcome.

Abrahams discloses a method of online authentication that includes having a user present one or more fingerprints for authentication during an online transaction. *See* Abstract. As one feature, Abrahams allows a time-out loop to be used. *See* Col. 6, lines 4-5. The time-out loop would require that the user enter the requested fingerprint within a predetermined amount of time. *Id.* at Col. 6, lines 5-7. If the time-out loop expires before the user enters the requested fingerprint, the user would not be authenticated. *Id.* at Col. 6, lines 7-9.

Claims 1 and 14, amended, of the present invention includes “comparing each data set of biometric contact characteristics with authentic versions stored in a database to determine whether each data set of biometric contact characteristics belongs to the user, wherein the user provided identifying information” and “determining whether the data sets are obtained within a predetermined period of time of one another when it is determined that each data set of biometric contact characteristics belongs to the user for which identifying information was provided.” Abrahams does not teach or suggest this feature of the present invention. Because Abrahams fails to teach each and every feature of the present invention recited by the claims, as amended, Applicant submits that the Examiner’s § 102 rejection has been overcome. As such, reconsideration and allowance of the pending claims is respectfully requested.

THE REJECTIONS UNDER 35 U.S.C. § 103

Claims 5, 8, 9, and 17 were also rejected under 35 U.S.C. § 103(a) as being obvious over Abrahams in view of U.S. Patent No. 6,393,139 to Lin *et al.* ("Lin"). Claim 10 was also rejected under 35 U.S.C. § 103(a) as being obvious over Abrahams in view of U.S. Patent No. 5,864,296 to Upton ("Upton"). Finally, claim 12 was rejected under § 103(a) as being obvious over Abrahams in view of U.S. Patent No. 5,594,806 to Colbert ("Colbert").

As set forth above, however, Abrahams fails to teach or suggest each and every feature of the present invention recited by the claims. Lin fails to cure the deficiencies of Abrahams. Upton and Colbert similarly fail to cure the deficiencies of Abrahams. As such, Applicant submits that the Examiner's § 103 rejections have also been overcome. Reconsideration and allowance of the pending claims is respectfully requested.

CONCLUSION

All claims are believed to be in condition for allowance. Applicant invites the Examiner to contact the undersigned attorneys to discuss any issues pertaining to the patentability of the pending claims. A Petition for Extension of Time is submitted herewith extending the period for response two months to and including May 12, 2011. No other fees are believed to be due at this time. Should any other fees be required, however, please charge such fee to Murphy & King, P.C. Deposit Account No. 50-4545, Order No. 5231-094-US01.

Respectfully Submitted,

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